

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL TUR, ANN MARIE TUR,
HENRY P. TUR, JR., and ALINE BYRNES

Plaintiffs,

v.

LARA SABANOSH, MORGAN JAMES
PUBLISHING, LLC, and AMY RIPP
COYNE,

Defendants.

Civil Action No. 2:22-cv-03879

MOTION TO FOR LEAVE OF COURT TO FILE DOCUMENT UNDER SEAL

Defendant Lara Sabanosh, by and through her undersigned counsel, hereby moves this Court for an Order granting her leave to file a manuscript of her memoir *Caged: the True Story of Abuse, Betrayal, and GTMO* under seal.

1. The claims and defenses in this case arise out of statements made in a memoir authored by Defendant Lara Sabanosh (“Ms. Sabanosh”) and published by Defendant Morgan James Publishing, LLC (“Morgan James”) titled “*Caged: The True Story of Abuse, Betrayal and GTMO*” (“*Caged*”). Plaintiffs dispute the veracity of certain statements in *Caged*, and allege that those statements defamed Plaintiffs and that the publication of those statements invaded Plaintiffs’ privacy and intentionally inflicted emotional distress on Plaintiffs. Defendants argue that the statements are not capable of a defamatory meaning and that the publication of those statements did not invade Plaintiffs’ privacy or intentionally inflict emotional distress on Plaintiffs.

2. Ms. Sabanosh has a Motion to Dismiss for Failure to State a Claim Upon Which Relief can be Granted (CM/ECF Doc. No. 5) pending before the Court, as does Defendant Amy Ripp Coyne (CM/ECF Doc. No. 6). Plaintiffs have a Motion to Remand (CM/ECF Doc. No. 13) pending before the Court.

3. The Motions to Dismiss and the Motion to Remand discuss, at length, statements in *Caged*, and Ms. Sabanosh believes that the Court will benefit from reviewing *Caged* as it considers the Motions to Dismiss¹ and Motion to Remand².

4. *Caged* is presently for sale to the public, however, and is also subject to a registered copyright. As such, Ms. Sabanosh is requesting leave of this Court, pursuant to Local Civil Rule 5.1.5, to file a manuscript of *Caged* under seal to protect her and Morgan James' financial and copyright interests in *Caged*. See Local Civil Rule 5.1.5 ("A document in a civil action may be filed under seal only if . . . the Court orders the document sealed." (Local Civil Rule 5.1.5(a)(2)); see also *In re: Avandia Marketing, Sales Practices, and Product Liabilities Litigation*, 924 F.3d 662 (3d Cir. 2019).

5. Defendants Morgan James and Ms. Coyne consent to this Motion and the relief sought herein. Plaintiffs do not object to *Caged* being submitted to the Court but do not believe that there is a basis to do so under seal.

WHEREFORE, Defendant Lara Sabanosh respectfully requests that this Court grant this Motion for Leave of Court to File Document Under Seal in accordance with the Proposed Order of Court submitted herewith.

¹ This court may and should consider *Caged* in reviewing Ms. Sabanosh's Motion to Dismiss. *In re NAHC, Inc. Sec. Litig.*, 306 F.3d 1314, 1331 (3d Cir. 2002) (citing *In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1426 (3d Cir. 1997)) (a district court may consider any document "integral to or explicitly relied upon in the complaint" on a motion to dismiss).

² The Court may and should consider *Caged* in reviewing Plaintiffs' Motion to Remand. See *Hagen v. Benjamin Foster Co.*, 739 F. Supp. 2d 770, 773 n.3 (E.D. Pa. 2010).

Respectfully submitted,

Dated: December 21, 2022

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave of Court to File Document Under Seal was served upon the following this 21st day of December, 2022 by the Court's CM/ECF System:

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